

# State of South Dakota

## SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

426D0751

### SENATE BILL NO. 204

Introduced by: Senator Rounds

1 FOR AN ACT ENTITLED, An Act to require certain immunizations for students.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-28-7.1 be amended to read as follows:

4 13-28-7.1. Any pupil entering school or an early childhood program in this state, shall, ~~prior~~  
5 ~~to admission, be required to~~ before admission, present to the appropriate school authorities  
6 certification from a licensed physician that the child has received a test for tuberculosis and is free  
7 from a contagious form of tuberculosis and the child has received or is in the process of receiving  
8 adequate immunization against poliomyelitis, diphtheria, pertussis, hepatitis A, rubeola, rubella,  
9 mumps and tetanus, according to recommendations provided by the Department of Health. The  
10 Department of Health may modify or delete any of the required immunizations. As an alternative  
11 to the requirement for a physician's certification, the pupil may present:

12 (1) Certification from a licensed physician stating the physical condition of the child  
13 would be such that a test or immunization would endanger the child's life or health;

14 or

15 (2) A written statement signed by one parent or guardian that the child is an adherent to  
16 a religious doctrine whose teachings are opposed to such test and immunization; or

17 (3) A written statement signed by one parent or guardian requesting that the local health

1           department give the test and immunization because the parents or guardians lack the  
2           means to pay for such tests and immunization.

3           The Department of Health may adopt reasonable rules, in accordance with chapter 1-26, to  
4   require compliance and documentation of adequate immunization, to define appropriate  
5   certification, and to specify standard procedure.

6           Section 2. No person, firm, corporation, partnership, or other legal entity operating a  
7   registered or licensed family day care home, group family day care home, or day care center may  
8   permit any minor child of two months of age or older to be admitted to the facility unless the  
9   parent or guardian of the child presents certification from a licensed physician or authorized  
10   representative of any state or local public health office that the child has received or will receive  
11   at the medically appropriate time immunization against hepatitis A. However, if the parent,  
12   guardian, or other person presenting the child for admission certifies in writing that a family  
13   emergency exists, the requirement imposed by this section may be waived for a period not to  
14   exceed thirty days. The certification shall be made before the provision of care. No such waiver  
15   may be knowingly permitted more than once for any child.